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Maryland General Assembly

[DOCUMENT A.]

MESSAGE

OF

HENRY LLOYD,

Governor of Maryland,

TO THE

GENERAL ASSEMBLY,

AT

ITS REGULAR SESSION,

January, 1886.

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MESSAGE.

STATE OF MARYLAND,

EXECUTIVE DEPARTMENT,

ANNAPOLIS, January 6, 1886.

Gentlemen of the Senate and House of Delegates:

Since the last meeting of the General Assembly changes have taken place in the heads of both the National and State Governments. We may congratulate ourselves, in common with the millions of people in this country, upon the peaceful outcome of the last Presidential contest. Never, in the politics of this country, have our institutions been put to a severer test than in the last National election. It has been said by that distinguished jurist and constitutional lawyer, Chancellor Kent, that "if ever the tranquility of this Nation is to be disturbed and its liberties endangered by a struggle for power, it will be upon this subject of the choice of a President." A peaceful revolution has been wrought and has brought forth new men and new measures and the stability of our National Government proves the ability of the people to govern themselves.

The past year has brought us to the tombs of two great men. The hero of Appomattox and ex-President of the United States has gone to his last resting place. A nation mourns his loss; but his grave furnishes assurance that civil war will never again occur, or leave the lamentable train of sorrow, desolation and sectional animosity which follows such a struggle. All hearts were bowed down by genuine sorrow at the obsequies of General Grant. In his grave are buried the differences of the past. A united Republic survives, strong in the hearts of the people.

The grave had scarcely closed upon General Grant when Thomas A. Hendricks, our loved, respected and honored Vice-President was called to his last account.

He has left a record for purity in public and private life and statesmanship in National affairs which furnish an enduring monument to his memory and an example to arouse the emulation and best ambition of those who may come after him. We do well to pay tribute to our worthy dead, and I am sure that I express the opinion of this State in declaring that her people will continually place the names of Grant and Hendricks in the honored list of patriots of earlier days.

Resignation of Gov. McLane.

Among the first nominations of President Cleveland was that of our distinguished Governor, the Hon. Robert M. McLane, to the French mission—a nomination generally and warmly approved by the press of the country, and promptly confirmed by the United States Senate. The Governor, by filing his resignation with the Secretary of State, resigned the office of Chief Executive, to take effect on the 27th day of March, A. D. 1885. Justice requires me to say that he left his "house in order," and the affairs of the executive department in a most creditable condition. In his new field of labor we have reason to know that he will do honor to his State and people, and, by his management of our foreign affairs, retain the approbation of the Government which appointed him. The good will and best wishes of our people follow him.

President of the Senate as Governor.

By Article 2, Section 7, of the Constitution, among other provisions, we find that "in case of any vacancy in the office of Governor during the recess of the Legislature, the President of the Senate shall discharge the duties of said office until a governor is elected, as herein provided for," &c.

Section 6 of the same article provides that "in case of the death or resignation of the Governor, or of his removal from the State, or other disqualification, the General Assembly, if in session, or, if not, at their next session, shall elect some qualified person to be Governor for the residue of the term for which said Governor had been elected." By virtue of my official position as President of the Senate, as provided in Section 7, Article 2, alluded to, I took, upon the resignation of Governor McLane, the oath to discharge the duties of Governor on the 27th day of March, A. D. 1885. It is unnecessary to say that I fully and deeply felt the solemn

responsibilities of the high trust confided to me. My duties in the main have been confined to matters of routine. In their performance I have received great aid and comfort from the assistance and suggestions of the Hon. Secretary of State, whose experience has gone far to lighten my labor. The duty now devolves upon you, at your earliest convenience, to elect a Governor of the State for the remainder of Governor McLane's term, which does not expire till January, A. D. 1888. By virtue of the constitutional provision which requires the Governor "from time to time to inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient," I briefly submit the following statements and suggestions, trusting that some of them may be regarded as worthy of legislative action, and may take shape in well-considered and digested statutes, with results which may secure the approbation and enure to the profit of the people.

State Finances.

The Comptroller's report for the fiscal year ending September 30, A. D. 1884, shows that the total receipts from all sources amounted to $3,729,576.15; balance in the Treasury, September 30, A. D. 1883, $982,183.52, making total amount in Treasury for the year, $4,711,759.67. But of this amount there was received on account of Defence Redemption Loan, and the premium upon the same, $1,686,496.22. The total disbursements during the year 1884 were $3,874,761.28. Of this aggregate, the sum of $1,999,086.66 was money expended in part redemption of the old Defense Loan; the further sum of $117,794.94 was for expenses of the Legislature in the pay of its members, officers and printing, and $71,280 was invested in bonds for the sinking fund for the Defence Redemption Loan, leaving the sum of $1,686,509.68, as the net ordinary disbursements for the year 1884. For the fiscal year ending September 30, A. D. 1885, total receipts from all sources amounted to $2,112,405.61. Balance in Treasury September 30, 1884, $837,088.39, making total amount in the Treasury for the year, $2,949,494.00. The total disbursements for the year were $2,202,086.67; leaving a balance on September 30, 1885, of $747,407.33. The admirable tables and statements contained in the Comptroller's report, give in detail and with explicitness the itemized accounts of all the aforegoing matters, to which you are respectfully referred, as well as to the suggestions made in said report.

The gross outstanding debt of the State has been reduced in the past two years by nearly $300,000.00. On September 30, 1883, it was $11,269,822.89. It is now reduced to..... $10,970,363.34

Contra stocks and bonds held by the State, on which interest and dividends are promptly paid, to wit:		
Preferred stock of B. & O. R. R. Co.....	$968,615 70	
Stock in Washington Branch.	550,000 00	
" Farmers Nat'l Bank, of Annapolis.....	46,470 00	
Stock in Annapolis Water Co.	30,000 00	
Bonds N. Central R. R. Co....	1,500,000 00	
Stocks and bonds in Sinking Fund.....	1,423,534 18	
Cash uninvested.....	179 49	
		4,518,799 37
Leaving net debt of the State.		$6,451,563 97

In addition to the valuable securities above mentioned, the State has unproductive stocks and bonds in railroads, canals, turnpikes, &c., from which no encouragement of future productiveness can be derived, amounting to $27,723,286.94. There also remained at the close of the fiscal year the large sum of $1,529,673.24 due from former collectors, sheriffs, &c. Much of this debt is worthless, but a portion of it may eventually be realized.

The sanctity of the respective sinking funds has been faithfully observed by our treasury officials, and I announce with pleasure that the said funds have not only been made whole but investments have been made in advance of actual demands of some of them; opportunities offering to purchase to advantage for the same, and the condition of the treasury being, in the opinion of the officials, such as to justify the outlay. In addition to the several sinking funds thus made whole, the increment therefrom, for the past fiscal year, has been satisfactorily invested, further to increase said funds, only $179.49 remaining uninvested at the end of the year.

Amount of stocks and bonds in sinking fund September 30, A. D 1885.....	$1,423,534 18
Amount of stocks and bonds in sinking fund January 1, A. D. 1884.....	411,209 18
Increase since January 1, A. D. 1884.	$1,012,325 00

Deduct B. & O. R. R. bonds carried to sinking funds, per chap. 491, acts of 1884	366,000 00
Stocks and bonds actually bought since January 1, A. D. 1884	$646,325 00
Amount paid for purchase of said stocks and bonds	672,745 53
Premium paid on stocks and bonds purchased since January, 1884	$26,420 53

The stocks and bonds purchased for the sinking funds since January 1, A. D. 1884, were bought for the various funds as follows:

General Sinking Fund	$ 20,350 00
Treasury Relief Loan	103,935 00
Defence Redemption Loan	370,800 00
Deaf and Dumb and Maryland Hospital	151,240 00
	$646,325 00

Provision by direct taxation for the ultimate payment of our State debt and current interest upon the same only reaches and is applicable to the four following loans:

Defence Redemption Loan	$3,000,000 00
Deaf and Dumb Asylum Loan	225,000 00
Maryland Hospital Loan	465,000 00
Treasury Relief Loan	500,000 00
	$4,190,000 00

By rigid and unwavering adherence to the present policy of the treasury office, and sacredly applying the revenues derived from direct taxation to the interest and sinking funds of the respective loans for which the Legislature has seen fit to make provision, we can see our way to the extinction of the last-mentioned loans. But it must be borne in mind that the tax cannot be legitimately applied to any other purpose or the extinction of any other debts than those for which it is specially levied; and upon a sufficient accumulation of funds to pay off said loans the tax must cease. We have not sufficient productive securities to offset the remaining portion of our debt. Our revenues from other sources than direct taxation are consumed by the ordinary expenses of the State government and interest

upon said remaining portion of debt. The question of the time of its ultimate extinction is clouded with uncertainty. In the present state of affairs additional taxation would not only be unpopular and bear heavily upon the people, but I deem the same unnecessary. The promptitude with which the State has paid her annual interest, and the premium attendant upon the sale and negotiation of her bonds attests the high standard her credit has attained in the markets of the world and the faith of capitalists in her financial integrity.

A large portion of our debt is paying an annual interest of five and six per cent. A part of this debt has matured, and in a few years other loans will mature. The successful floating of $3,000,000 in the Defence Redemption Loan at 3.65 per cent. to meet maturing bonds of the Maryland Defence Loan suggests the feasibility and wisdom of refunding as rapidly as practicable, under existing circumstances, the remaining debts of the State into new loans at a lower rate of interest. The bonds may be issued to run for a long time, reserving to the State the option or right to call them in or redeem them after a certain number of years. By refunding the loans suggested the State will gain in revenue for general purposes in the ratio of excess of present interest over the interest of new refunded loan; that is, 2.35 per cent. over the six per cent. loan and 1.35 per cent. over the five per cent. loan. The turning of this excess or saving into the general sinking fund, as well as all additional revenues that must come with the rapid extension and growth of our many and varied interests, will eventually produce a fund equal to our indebtedness. Such a policy, if pursued with fidelity, will, before many years, entirely relieve us from our present debt.

Legislation Expenses.

I can not impress too earnestly upon your attention and thoughtful consideration the necessity of economy in your legislative expenses. The appropriations by the last legislature were not made in gross, but were specific and detailed appropriations. I am fully aware of the constitutional power of each house to fix the number and compensation of its employees, and do not desire to trench, by my suggestions, upon legislative prerogatives; yet I must express the hope that such powers will not be exercised so as to exceed the amount demonstrable needed for the performance of public duties.

Taxable Basis and Assessment.

A comparison of the assessed value of property for State levy in 1885 with that of 1877 shows a decrease of $5,195,884, the levy for 1885 being $473,452,144, while that for 1877 was $478,648,028. No higher prerogative of government can be exercised than that of taxation, touching as it does or is supposed to do, all property in the State. In the imposition of burdens in the shape of taxes upon the people, the spirit of Article 15 of the Declaration of Rights, while our present constitution remains, should never be lost sight of, and every person within the State, or holding property therein, ought to contribute his proportion of public taxes according to his actual worth in real or personal property. Ten years have passed since our last general assessment, and notwithstanding new and large enterprises involving the outlay of large sums of money, which have since sprung into existence, the improvement and development of many of our resources, and the appreciation of values incident to the increase of population and general growth of wealth, we find our taxable basis to-day less than it was a decade ago. If you should make provision for taking the immediate sense of the people upon a new constitution, then I think that such vote ought to precede another assessment of property, but if you do not, then I recommend a new and immediate assessment, under a law broad enough in its letter and spirit to enable the assessors to reach all manner of property, that the burdens of taxation may be more equally distributed and substantial equality and uniformity of taxation may prevail throughout the State. There are at least $200,000,000 of capital secured by mortgages in this State upon which no taxes are levied, and further investments in mortgages are being made which curtail State revenues. This discrimination not only imposes additional burdens upon the landed interest and the working classes of the State, but presents possibilities of further reductions of our present meagre basis of taxation.

Constitutional Convention.

The existing Constitution of the State made it the duty of the General Assembly to provide, by law, for taking, at the general election to be held in this State in 1887, and every twenty years thereafter, the sense of the people in regasd to calling a convention for altering that Constitution. It further provided that if a major-

ity of voters, at any such election, should vote for a convention, the General Assembly, at its next session, should provide by law for the assembling of such Convention.

These provisions simply ensured the holding of an election in 1887, to determine whether the people of this State were content with the Constitution of 1867. If, upon the taking of such vote, it appeared that they were, then a like opportunity was to be afforded in 1907; and, if like contentment was shown at such election with the existing instrument, then another opportunity was to be again given in 1927.

The provisions thus made by the Constitution of 1867 for the revision of that instrument were not intended to exclude the exercise of those other means of effecting the same object, which inalienably belong to the people of this State. They would not have prevented the General Assembly from providing, by law, at any session held since 1867, for the submission to the voters of the State, of the question whether they desired the assembling of a Convention for the altering of that Constitution. This proposition, plain in itself, has been demonstrated by the precedents set by the General Assembly in calling the Constitutional Conventions which framed the Constitutions of 1850, 1864 and 1867.

The only question to be considered in the matter is whether it is proper and wise to defer the taking of the vote upon the question of assembling a Constitutional Convention until 1887, and to defer the meeting of that Convention until 1889.

I believe that the people of this State are in favor of material alterations in our present Constitution.

They desire such changes in the organic rules governing the exercise of the taxing power as will tend to lighten the burdens of taxation which now press unduly upon lands, houses and visible property in this State.

They wish a change to be made in the provisions of the present Constitution which require the uniform registration of the names of all the voters in this State. Such uniform registration ought not to be necessary. It is right and proper that a new registration of voters should be made biennially or annually in the city of Baltimore and in the suburban districts which practically form a part of that city, because of the great annual growth and changes in the voting population in those localities. No such need exists in the greater

number of the counties of this State. The changes in their voting populations, from year to year, are limited, and are within the easy observation of those appointed to correct the registries of voters in the election districts of the counties of this State.

I believe that they are of the opinion that the Governor ought to have the power of vetoing particular items in an Appropriation Bill. He would have that power if such particular expenditures were directed by separate Bills. There is no reason why he should be denied the same right, when, for convenience in legislation, or for any other reason, such particular expenditures are included in an Appropriation Bill, covering many other items of expenditures, which are not open to reasonable objections.

I believe that the people of the State are of the opinion that it would be to the public advantage if the Court of Appeals were a separate body, and if its members were wholly relieved from the necessity of doing any circuit duty.

I believe that the opinion is general that the existing constitutional provisions in relation to the Chesapeake and Ohio Canal require speedy readjustment. The Canal is so burdened with the mortgages, pledges and liens, which were created for the purpose of constructing it, repairing serious injuries and keeping it in operation, that it is doubtful whether it can be always, hereafter, assured of the means to maintain it in good condition. The Canal cannot be properly improved and made effective as a means of internal commerce, until it is sold, free from the liens of the State, and bought by parties able to improve it and extend its operations. The requirement of the present Constitution that no sale of the State's interest in the Canal, which the General Assembly may direct, shall go into effect, unless ratified by the ensuing General Assembly, is a practical bar to any reorganization of the Canal upon a proper basis. The General Assembly, ought to have power, under such limitations as the new Constitution may prescribe, to sell the State's interest in this work, and also to sell the interest of the State in the Chesapeake and Delaware Canal and in the Susquehanna and Tide Water Canal Companies.

It is evident that the provision in the existing Constitution, which is supposed to declare, in effect, that no part of a County shall be separated from the remainder of said County, without the consent of a majority of

the legal voters residing within the part intended to be separated from such remainder, is unreasonable, and ought not to remain a Constitutional Provision. It makes the wishes of the people in a section of a County, or, perhaps, even in a neighborhood, paramount to the proper authority of the people of the whole State, exercised by their General Assembly. In its existing form, it operates as a limitation upon the growth and prosperity of the City of Baltimore.

There are other modifications of the present Constitution, which experience has shown to be desirable, but I forbear to mention them. I have called your attention to a sufficient number. If there is need to change the existing Constitution in the particulars to which I have referred, or in any other, there is no reason why such changes should be delayed until 1889.

It is to be considered then, whether the General Assembly ought not at this session, to provide by law for taking the sense of the people of this State as to the calling of a Constitutional Convention, at the Congressional elections to be held in the Autumn of 1886. The choice of this period would ensure a full vote, and avoid the expense of a special election. I think, also, that it ought to be provided for, by such law, that if the majority of the voters of the State, at such election, shall vote for a Convention, it shall assemble in Annapolis, on the first Wednesday of January, 1887. This will be for many reasons a most convenient period for the meeting of that body.

Tobacco Inspection.

The system of inspection of tobacco which the State has fostered for years is not a source of revenue:

Gross receipts for the year 1884 from inspections	$75,972 01
Disbursements in the warehouses	71,923 85
Net earnings for the year	$4,048 16

There was paid into the State Treasury during the year as shown by the Comptroller's report—

From tobacco warehouses	$7,004 89
Paid out for salaries and ground rent of warehouses	10,048 11
Showing a charge upon the treasury of	$3,043 22

Gross receipts for the year 1885 from inspections	$76,554 11
Disbursements in the warehouses	71,456 47
Net earnings for the year	$5,097 64

There was paid into the State Treasury during the year, as shown by the Comptroller's report:

From tobacco warehouses	$5,367 17
Paid out for salaries and ground rent	9,448 11
Showing a charge upon the treasury of.	$4,080 94

Oysters.

The oyster question has not yet been satisfactorily solved, and much remains for the study of the Legislature, both of a practical and scientific character. The value and extent of the oyster interest of this State are not generally known by the people or fully appreciated by many of our law-makers. Confronted at the threshold by conflicting interests and the clash of prejudices, our past legislation appears to have proceeded upon the theory that the harmonizing of those engaged in the oyster trade is paramount to the proper protection of the valuable interest itself. With a view to the ascertainment of the number of men actually engaged in the catching of oysters, I have made diligent inquiry of the clerks of the courts of the oyster counties, and at the Comptroller's office, and from Statistician Weeks, and find that for 1885 licenses to tong numbered..... 5,183

Allowing 2 men to a boat, we find employed in tonging alone	10,366
Licenses to dredge under local laws numbered..	1,079
Allowing 6 men to a boat, we find employed in local dredging	7,074
Licenses from the Comptroller's office,1,308 in 1884, and 850 in 1885; average number	1,079
Allowing 8 men to a boat, we find employed in bay dredging	8,632
Making a total number of men actually employed in the catching of oysters	26,072

The oyster canning houses of this State give employment to 14,640 men and women, thus showing a grand total of 40,712 employees in the different branches of the business. About 9,000,000 bushels of oysters were caught last season; valued at the low figure of 25 cents a bushel, they produce the sum of $2,225,000.

To approximate to some idea of the capital invested in the catching of oysters in this State, value each tonging boat at $60, each local dredging craft at $800 and each bay craft at $1200, and we find the aggregate valuation to be $2,468,980.

The number of men gaining their living for the most part from this branch of business, with families dependent upon them, and the large capital they have invested (in many cases their all,) strongly appeal for rigid and careful legislation. The primary object of the law should be to protect the oyster beds and guard as far as practicable against their now rapid depletion. Nature, left to itself will not restore the quantity of oysters taken from our bars or destroyed by constant uninterrupted dredging. But for the large number dependent upon the business for their bread, and the enormous capital employed, I should recommend an indefinite postponing of the use of the dredge. As it is, further restrictions should be imposed and enforced as to the localities and time of dredging, and artificial culture should be encouraged to assist nature in providing a supply equal to the increasing demand.

Skilled oystermen inform us that weeks are now consumed in loading vessels where a short time ago as many days sufficed.

The Oyster Commission found the average yield for fourteen beds had fallen from 3.68 in 1876 and 1.96 in 1879 to 1.31 in 1882. Thirty beds examined in the summer of 1883 show the average had fallen to 1.28. Thirty-seven beds examined in the summer of 1884 show the average had fallen to .85+. Thirty-nine beds examined in 2885 show the average had fallen to .78+. Nearly the same ratio was obtained, there being respectively 1.28—.85+—.78+of living oysters for each bushel of dead shells.

The current expenses of the present State Fishery force have been paid from the oyster revenues, which have proven sufficient for the purpose. In this statement I do not include the extraordinary expense of building the two iron steamers, authorized by the Act of 1884 which the State paid $62,048.86.

The oyster receipts for the fiscal year 1885 amounted to $79,704,17. Gross ordinary disbursements to $65,030.70.

There have been two decisions, during the past year, upon the constitutionality of that clause of the law by which the State requires a license to be taken out to buy or carry oysters. Under writs of habeas corpus, Judges

Bond, of the United States Court, and Irving, of our State Court, have both discharged parties arrested for violating said clause by deciding the same to be unconstitutional. Since said decisions, no attempt has been made to enforce that particular provision, and it has become a dead letter with the attendant result of a diminished revenue. Aside from that legal aspect I regard the enforcement of the carrying clause as a great hardship upon our people. The State gives nothing of value in consideration for the money exacted, and in her zeal to raise revenues, hampers the operations of the catcher, who has paid for his privilege, by curtailing his opportunities of sale and abridging his facilities for getting the fruits of his labor to market.

The violations of law are frequent and accompanied in many cases by open defiance on the part of depredators; the State sloops having been driven from their beats and forbidden grounds pillaged.

The State Fishery force consists of three steamers and ten sloops. The sailing vessels are reported inadequate to the demands of the service, and, in the course of time, their places should be supplied by two or three good steamers of light draft and fair speed, insuring the dispatch essential to the proper discharge of all police duties.

By the provisions of the act of the General Assembly, passed at January session 1884, Chapter 354, the Attorney General was authorized to take such steps as might be necessary to obtain a decision of the Supreme Court of the United States as to the validity, scope and effect of the "compact of seventeen hundred and eighty-five," with authority to employ additional counsel. After several conversations with the Attorney General upon the subject, in which he presented his views as he had done to my predecessor, upon his suggestion, Mr. I. Nevitt Steele was employed as additional counsel. The conclusions reached by both are set forth in an elaborate and exhaustive opinion by Mr. Steele, now on file in this department, which concludes as follows:

"While it would be only fair and just that Virginia having the right of fishery in the Potomac, which belongs to Maryland, should as an equivalent, concede to Maryland the right of fishery in that part of the Pocomoke Sound which belongs to Virginia, I am of opinion that the compact does not give to the citizens of Maryland any right to fish in Pocomoke River or Pocomoke Sound; and that it would be much better for

Maryland to accept the report of the Joint Commission of the two States of February 14, 1882, or negotiate some similar agreement, than to embark in litigation with the State of Virginia."

Deeming the aforesaid act directory and not mandatory no further steps will be taken in the matter unless ordered by you.

Fish.

Nowhere do more anomalies appear than in our fish laws nor more diverse and inconsistent provisions than are presented by different Acts of Assembly bearing upon the subject. It is no exaggeration to state that we have a separate act for each river in the State and in many instances two or three acts, in force and applicable to the same stream or inlet. The migratory nature of fish teaches the utter futility of their successful propagation and protection under our present code. The good intended by wise provisions of law in one locality is defeated by the unwise and incongruous provisions that exist perhaps in the laws relating to the adjoining county. The State expends $13,000 a year in the effort to stock our streams and keep up the supply of food fish. Without material changes, looking to the harmonizing and uniform blending of our fish laws into one system, the appropriation by the State must be literally wasted and the labors and duties of the "Commissioners of Fisheries," though conscientiously discharged, produce no such results as experience elsewhere led us to anticipate. I recommend the repeal of all fish laws and the enactment of one general system, leaving to the counties the exclusive right to the use of their respective waters under the provisions of said law; and, to prevent the destruction of small or trash, fish, that no gill-net, seine, weir, fyke, pound-net or other fishing apparatus or trap, be allowed to be used with a mesh of less size than is needed for catching well-grown food fish. I further recommend that the duties of the "Commissioners of Fisheries" be limited to the propagation and culture of our native fish, leaving to private enterprise the experiment of introducing other species.

State Board of Health.

From the perusal of an advance copy of the report of the State Board of Health, I deprecate the unintentional or wilful neglect of the last Legislature in not making

suitable provisions for the encouragement of the labors of that board. Twenty-nine States of this Union have State Boards of Health, and in every State except Maryland they have been given increased support and power, and vested with extended authority to secure more complete results. Massachusetts and Louisiana each appropriate $50,000 per annum, the other States from $5,000 to $45,000, for the support of their Health Boards. Maryland appropriated $1,200 for the past year, and has made no provision for the present. It is impossible for our board even to hold a secondary position without substantial encouragement. We have placed upon them important and responsible duties, and yet withheld the means of efficiently executing such duties. Their powers should be enlarged, and many of their advisory duties should be made mandatory. Their general supervision and inspection of our almshouses, jails and prisons, together with their general efforts to remove causes of disease, and to enlighten the people upon the importance of better sanitary and hygienic conditions, have been attended with beneficial and wholesome results and while vital statistics of births and deaths in this State are wanting, or are imperfectly kept, it is safe to say that our death rate has decreased eight or ten per cent. since the inauguration of the board.

A kind Providence has shielded us from the scourge of cholera and small-pox and other pests which have threatened our shores, and afforded that protection which our own lack of appreciation failed to supply. Mr. Mill in his great work on Political Economy, has said "that the appropriation of money to protect the public health is a duty which the law-maker owes to the people whom he represents, and its performance is a partial discharge of an obligation arising out of the ultimate purposes of government everywhere." The obligation to protect the people against injury and death and their property against the depreciation and destruction which results from preventable diseases rests upon exactly the same basis and is just as binding as the obligation to protect persons and property against the assaults of wicked and lawless men. I recommend an appropriation to the State Board of Health proportioned to the importance of the subject and the demands of an enlightened civilization.

Pleuro Pneumonia.

The reports of Dr. Robert Ward, State Veterinarian, and of the Maryland Delegates to the Third National

Convention of the Cattle Growers association of the United States, held at Chicago, disclose a state of affairs closely connected with the question of health and present suggestions of deep interest to our agriculturists, both from a financial and grazing standpoint. The impression has gone abroad that the disease known as Pleuro-Pneumonia pervades Maryland herds and we find ourselves quarantined by nearly all the States and Territories west of the Mississippi river and by the States of Illinois, Ohio, Indiana, Kentucky and Michigan east of the said river. The disease has shown itself in the City of Baltimore and five counties of the States, but not as an epidemic. So important to our people is the complete eradication of this disease that I recommend additional powers be granted to the State Veterinarian or the Board of Health, to inspect, disinfect and, if necessary, destroy at the expense of the State all sheds, roofing or stabling wherein infected cattle have been confined and to prescribe and enforce such rules as may be demanded for the thorough eradication and future prevention of the disease. The last Legislature, by Chapter 157 Act 1884, appropriated ten thousand dollars for two years, or five thousand a year, to be expended under direction of the Governor in carrying out the provisions of the "Act to prevent the spread of infectious or contagious disease among live stock in this State."

I have directed Dr. Ward to enforce the provisions of law and if necessary expend the entire appropriation, (deeming it economy) promptly to meet any outbreak of the disease. He has faithfully labored to discharge his duties, and if his suggestions be favorably received and sufficient appropriation be made by the Legislature, our reputation abroad may be repaired, and no serious results for the future anticipated. At present not only do our own people feel the loss of a market for their stock, with no stimulus to improve their fine breeds, but Baltimore loses a portion of her legitimate foreign trade from the fear of the exporter to ship cattle through our port.

Statistics show the number of cattle in this country to-day to be less than it was in 1860, and their per capita value appreciably greater; then to protect our dairy and grazing interests, which have partly superceded the raising of cereals, it becomes the imperative duty of the State to use prompt and effective remedies, and to offer encouragement to pursuits that give promise of great profit to our people.

Closely allied to the aforegoing, is the selling in our markets of diseased or infected beef and meats generally, milk from sick cows and adulterated milk and decayedvegetables. The State should adopt more stringent regulations in regard to the sale of such articles, and discountenance and prohibit all adulterations and imitations of food, whether they be stamped as such or not. The health of the people should be paramount to the avarice of unprincipled vendors, and our trade should be confined to pure and natural productions. Wise regulations upon this subject will be hailed with popular approval.

Public Schools.

The State School system continues to enlist popular and general favor and has almost supplanted private schools and former methods of education. In many sections of our State, private schools are no longer known, and the interest of the people centres with growing hope and faith around the modern public system. Much of the prejudice of earlier days, attributable in part to the peculiar relations of ante bellum times, has passed away, and a general awakening to the realization of the right of the people to a free and full public education at State expense, has arisen from the ashes of that prejudice. Isolated cases of outspoken individual opposition some times occur, but the people, generally approving of the system, are divided in opinion only as to the limit or extent to which the State should afford public instruction. Some contending for the rudiments, as once taught in the log school house, while others are loud in demanding a higher and more liberal course of studies. The State may well place herself in the van of those who are seeking to raise our standard of education and extend its blessings, for education stands second to liberty itself.

In 1884, the State expended from all sources, including receipts from State school tax, free school and academic funds, State appropriation to colored schools, college donations, County tax and fines; $1,669,040.69, and enrolled upon her school registries during the year 170,393 pupils. I trust not one jot or tittle of State aid will be abated by the legislature at the present session, and that all institutions of learning, purely public in their character, will receive proper support and consideration.

Under our present rule of distributing the State

school tax, separate funds are appropriated to the white and colored schools. The colored schools first receive $100,000 per annum, and the white schools the balance collected from said tax. No injustice is done the colored schools by this appropriation, for in proportion to population they receive more than their full share. I believe the uniformity of the system requires no division of appropriations upon the *color line*. Seperate schools must be maintained and impartially operated, but they should be under one system, and paid from one and the same fund. They should be opened and kept open for the same period as the white schools in the counties and city, and colored teachers should be placed in charge when desired, if competent.

No changes have been made in the school law since 1874, not because improvements could not be suggested, but because a feeling of stability and permanence was worth more than any trifling changes and no radical changes appear desirable.

I unite with the State Board of Education in recommending "that necessary text-books for use in the school-room should be supplied without charge." By so doing, in addition to facilitating school work; we will remove the last invidious distinction which separates, in our public schools, the children of the poor from the children of the rich. The city of Baltimore has already adopted the recommendation in reference to text-books and the counties should follow its example.

Revision of our Code.

It is believed that a revision of the Maryland Code is desirable at this period. The subject is commended to your early attention.

Criminal Law.

For several sessions past, the question of revision and recodification of our criminal laws has been prominently discussed, but no definite results have been reached or practical improvements consumated.

No thorough or satisfactory revision of our criminal laws and practice can be expected during the session, and I suggest the appointment of a paid commission to examine into the question and prepare a crimmal code to be submitted, with such reasons or suggestions as may occur to such commission at the next session of the General Assembly.

In a large number of the counties of the State criminal jurisdiction has been given to magistrates and extended

from time to time until many offences involving the penalty of confinement in the penitentiary have become cognizable before them. Such large extension of criminal jurisdiction is of doubtful propriety, if not unwise. I suggest the fitness of restoring to the courts exclusive jurisdiction of all offences for which confinement in the penitentiary may be or is the penalty,

Our present vagrant laws in their solicitude for personal liberty fail to abate materially the mischief occasioned by tramps who continue to infest and frequent our highways and to annoy and alarm our people. Their imprisonment in jail or confinement in the House of Correction adds much to our expenses and proves insufficient as a remedy against the evil. While the State should not bring convicts in competition with honest labor, our laws should be so amended as to authorize the proper authorities to work this special class of offenders upon the public roads and streets. A rigid exercise of some such power is worth a fair trial and may obviate the difficulties attendant upon our present and past legislation.

The Attorney-General calls my attention to the want of criminal statistics, for which application to him are constantly made. A requirement of the State attorneys of the several counties and Baltimore City to furnish a report of such matters to the Attorney-General, to be by him tabulated and submitted to the executive department, may furnish valuable information as to the increase or diminution of crime, and point out defects and suggest remedies, in our criminal code.

Penal Institutions.

The Maryland Penitentiary, now in the 74th year of its operations, may be termed a model institution, not in all of its appointments, some of which the lapse of time and peculiar architecture preclude from being modernized, but in its general management, as shown by reports filed in this department and by personal inspection of the various branches and general discipline of the prison.

The past three years have been the most successful financially in its history, "based upon the number of men in confinement and the amount formerly received from the United States government deducted." The average number of prisoners for the past three years has been 520, while the average of any preceding three years in which any considerable surplus was declared

was 779⅔. The institution is not only out of debt and self sustaining, but after expending $3,242.41 for the erection of a more comfortable and substantial building for a certain class of prison employees, and donating $300 to the Prisoners' Aid Association in recognition of their benevolent and Christian work, will pay for the present year $3,536.48 into the treasury. Last year it paid $7,515.15 to the State. A better and more general lighting of the prison is deemed necessary for the comfort of the inmates and to relieve the tedium and monotony of the long winter nights, when they are confined within their cells for more than half of every twenty-four hours. Several of the present inmates are insane and should be placed in an asylum. The penitentiary should not be burdened with the expense as now provided by law for the keeping or maintaining of prisoners thus unfortunately afflicted and sometimes insane at the time of their incarceration. The fiscal year of the institution should be changed to correspond with that of the State to enable the officers to present their reports and suggestions to the Governor at an earlier date.

The House of Correction, originally intended for the imprisonment of those guilty of petty crimes and to relieve the crowded condition of the Penitentiary, has for the past year been filled beyond its proper capacity. Two prisoners are often confined in one small, narrow cell, a condition productive of ill health and conducive to immorality; the penitentiary, on the other hand, has vacant cells. Owing to the large number of prisoners, and the expiration of contracts, which have not been renewed by contractors, upon the ground of alleged unprofitableness, the expenses of the institution have been quite large.

For the fiscal year 1884, total expenditures..	$29,331 98
Number of prisoners received during the year	623
Daily average number	264
Cost per capita	111 10.3-5
Fiscal year 1885, total expenditures,	30,933 26
Number of prisoners received during the year	858
Daily average number	289
Cost per capita	120 84
Average daily cost of feeding each prisoner is	.06¼

The official reports of those whose duty it is to look after the health and welfare of the prisoners and general management of this institution speak of its general condition in very commendatory terms, which I believe in the main are fully merited. An Act was passed two years ago providing for the class of offenders who may be committed to this prison. Either from defects in the Act itself or from different interpretations by the courts the Act is really inoperative. All offenders sentenced to imprisonment for more than a year should be excluded from this institution and be confined in the penitentiary, where accommodations are ample, employment more certain, and useful trades taught and habits of industry acquired. Nor should lads less than sixteen years of age be admitted; such offenders should be sent to reformatory institutions with different surroundings.

Unless provision is made to relieve the crowded condition of this institution, the State will have to provide additional buildings at a large expense, an outlay at this time not to be desired and easily avoided.

Maryland Hospital for the Insane.

The report from this institution admonishes us of the increase in insanity, and the lack of sufficient provision by the State for the proper care of our unfortunate and afflicted poor. The building of another asylum, to be located upon the Eastern Shore, is recommended as a necessity, and the surest relief to the crowded condition of this institution, as well as that of Mount Hope. Embarrassments have attended the failure of the counties promptly to pay for the maintenance of their respective patients. Their indebtedness to this institution has increased $10,000 in the past year, and amounted, October 31, 1885, to $24,459.47. A radical change should be effected in the payment of these debts, and the counties, realizing the pressing necessity for prompt payment, should make their financial arrangements to meet such debts as they mature. As a last resort, the State should assume the entire burden, and afford that aid which experience has shown to be uncertain and precarious from the counties.

In addition to their regular appropriation, the Board of Managers ask special appropriations of $3,000 for fencing, $2,000 for engine and piping (sewerage), $1,100 for paving cellars, and $1,000 for workshops. My own views are that the State should keep all her public build-

ings in thorough order and condition, and if the special appropriations suggested are necessary, they should be promptly made.

State Militia.

The Adjutant General in his report calls my attention to the unsatisfactory condition of the militia, due, as he says, to the meagre appropriations made for its support. He reports that the clothing camp and garrison equipage now on hand were purchased and issued many years ago and have become almost entirely unserviceable. Some of the companies not only are unable to present a decent appearance, but if called into active service, in case of emergency, would be subjected to positive suffering by exposure. Appropriations for the past year amounted to $15,450 for twenty-seven companies, each company receiving an average of less than $500. Five companies, uniforming and equipping themselves, have been received into the service in addition to the twenty-seven for which State aid has been provided.

The property known as the Pikesville Arsenal, near the city of Baltimore, recently conveyed to the State by the National Government, comprising about 14 acres is now in charge of the State Military Department. The proper disposition of this property must be determined by you. I content myself by referring to you the report and suggestions of the Adjutant General for such action thereupon as the pride and gook name of the State may seem to require.

Bureau of Statistics and Information.

Chapter 211, Acts of Assembly, 1884, establishes a Bureau to collect statistics and information concerning the various branches of industry in this State, and the needs and abuses growing out of the same, and appropriates $2,500 per annum to pay all salaries and expenses. Our first Chief of the Bureau of Labor and Statistics, Mr. Thomas C. Weeks, has entered upon the duties of the office with commendable zeal and has been busily occupied in obtaining information upon many interesting industrial subjects closely connected with the people in their individual and collective capacity.

Fourteen States support similar Bureaus, in most instances at greater expense than our own. A better understanding of the operations of the Bureau may be gathered from the following introductory paragraph:

"While glowing reports of increased products, sales and shipments have been generally accepted as evidence of the industrial prosperity of our citizens, yet such facts often hide under a gilded exterior very many hardships, perils and disasters suffered by the industrial masses, and which it is often within the scope of legislation to alleviate and remove. The object of this Bureau has been to seek out the workman, to inspect the individual, and as fully as was possible in a first report to present the facts of his condition."

A compendious view of the various trades, grouped under general heads, gives much valuable information. It also presents a synopsis of all trade disturbances and strikes which have occurred during the existence of this office. "Happily they have been few in number, limited in extent and brief in continuance." The subject of wages is treated very fully, and elaborate tables, showing the comparative rates here and in other States and countries, are given, together with a collection of the opinions of many distinguished writers upon the great labor problem, all of which add to the value of the report as a public educator. The demand from beyond our State limits for copies of this report should be very flattering to our statistician, and may be regarded as indicative of the interest felt in the subjects treated upon. Its publication and general perusal may lead to beneficial changes in legislation upon this important question—the improvement of the condition of the laboring man.

Land Office.

The present Commissioner of the Land Office, Col. J. Thomas Scarf, has furnished me with much information and many valuable suggestions bearing upon the business of his office, since April 1884, the time he took charge. By statistics presented, the duties of the office are shown to be constantly increasing, and many find it important and needful in the tracing of titles. The office proper consists of two officers, the Commissioner at a salary of fifteen hundred dollars and a clerk at twelve hundred dollars. Others are employed as clerks under the Acts of 1874 and 1876, in indexing abstracts of deeds sent from the counties and city of Baltimore to be preserved for future reference, and as additional security against the destruction of original deeds or other papers in the counties by fire or other causes. Without binding, these abstracts could not be properly

preserved, and without indexing, their value would be trifling. The labors of the office are explained with much minuteness in the report referred to.

Among other things he has issued 119 warrants and executed 45. All of the latter have been recorded, and 1,254 successful searches have been made, in addition to a large number of unsuccessful ones, such as tracing families and titles to old estates ordered by claimants who thought they were entitled to property under the Lord Proprietary. From the first of April, 1884, to December first, 1885, there have been patented 4,097 acres, vacant land 2,075 acres, and preparations are being made to patent 4,567 additional acres of vacant lands. The receipts of the office have been $2,969.26, and the books show still due $1,467.38. The office cannot be made self-sustaining with the present low rate of fees, which are inadequate to the labor performed. A new and higher table of fees, more in accordance with the value of the services rendered, should be adopted for this office, such as are now charged by the State of Pennsylvania, which was also a proprietary government.

As the custodian of all matters relating to the history of the State, the Commissioner has preserved from the exhibit which the State made at New Orleans all that was of value, and has deposited the same in the Land Office, as the nucleus of a State museum. I believe this plan will be well received and encouragement should be given by some legislative act authorizing and commending the gratuitious enterprise displayed by the Commissioner.

The intimate relations of the Land Office to the farming interests and constant inquiries at that office from abroad concerning our lands, &c., suggest to Col. Scharf the wisdom of additional legislation making the Land Office a Bureau of Immigration, under the direction of the Land commissioner, and that he be authorized to publish yearly a pamphlet showing the resources of the State, its agricultural advantages, products, &c., in connection with the other duties of the office, without any additional compensation, and that the legislature print his report. I add my recommendation to the above suggestions.

Miscellaneus.

The creditable display made by Maryland at the World's Industrial and Cotton Centennial Exposition opened in New Orleans, December the 16th, 1884, and

closed June the 1st, 1885, is largely due to the untiring zeal and indefatigable energy of the Hon. George W. Bishop and Col. J. Thomas Scharf, Commissioners from this State. Their report should be printed in full, at public expense, as no brief resume of it in this message could do it justice, nor would the people as easily learn in any other way the extent and variety of our resources and natural wealth, nor the enviable reputation we have attained by our exhibit and the many just expressions of appreciation bestowed upon us. The Commissioners have paid all debts contracted and will return a small surplus to the Treasury.

The Hon, William J. Aydelott, commissioner appointed on the part of Maryland, to act with a similar commissioner from Virginia, in surveying and marking the boundary line between the two States, as ascertained and determined by arbitrators heretofore appointed on the part of said States respectively, has completed said duties in a very satisfactory manner, and made a full and particular report of his proceedings, which are now on file in the executive department.

I have passed over many matters and things of public interest and failed to allude to some official reports, among others that of the Insurance Commissioner which contains valuable information, and may be accepted as an accurate guide in the matters upon which it treats. Many of my suggestions, if favorably received, will have to be adjusted as to details by your legislative experience and judgment. I am conscious of having advanced much that may receive criticism, and do not expect a general agreement upon many ideas suggested. If any of my recommendations be accepted, I shall not think this performance of my official duty barren of good results.

In conclusion, feeling that you fully realize the needs of the people and your duty as law-makers, I believe that your labors will be marked by an intelligent regard for the material interests and welfare of the State.

HENRY LLOYD.